STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ASHIA B'RENEE HARDY and D'SHAY EDWARD HARDY, Minors..

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

VANCE EDWARD HARDY,

Respondent-Appellant,

and

EUKEDA RENEE LLOYD,

Respondent.

UNPUBLISHED
October 27, 2000

No. 224645
Wayne Circuit Court
Juvenile Division
LC No. 93-310019

Before: Gribbs, PJ, and Kelly and Hoekstra, JJ.

PER CURIAM.

Respondent-appellant appeals by right from the juvenile court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (j) and (k); MSA 27A.3178(598.19b)(3)(b)(i), (g), (j) and (k). We affirm.

We find from a review of the record that the trial court did not clearly err in finding that each of the above-referenced subsections was established by clear and convincing evidence. MCR 5.974(I); *In re Vasquez*, 199 Mich App 44, 51; 501 NW2d 231 (1993). The record shows that respondent held D'Shay's hand near the flame on a stove, causing second degree burns on the palm and thumb. Afterwards, he struck the child two or three times with a belt. Respondent sought no medical attention for the burn. Respondent has "whipped" both children on other occasions and has allowed his mother, with whom he and the children live, to do the same. Previously, respondent had been involved with the

court system and had taken parenting classes, but this type of discipline continued even after the parenting classes. Further, respondent stated at trial that he did not remember burning the child. Yet, having pleaded no contest to a criminal charge of first-degree child abuse with regard to this incident, respondent was convicted as charged, served sixty days in jail and is on probation for two years. The medical records indicate that in addition to the burn D'Shay had a healing bruise on his lower back and a loop mark.

Under these circumstances, we cannot conclude that the court clearly erred in terminating respondent's parental rights or in determining that the termination was in the best interest of the children. *In re Trejo*, 462 Mich 341, 356-357; ___ NW2d ___ (2000).

To the extent that respondent argues that the trial court erred in failing to take action to preserve respondent's family and reunite respondent with his children, we find his argument without merit. Provided that certain conditions are met, none of which include taking action to reunite parent and child, the court properly may enter an order terminating parental rights under subsection 19b(3) at the initial dispositional hearing. MCL 712A.19b(4); MSA 27.3178(598.19b)(4); MCR 5.974(D). Moreover, once the trial court determines that at least one statutory ground for termination under subsection 19b(3) is established, termination is mandatory unless the court finds that termination is clearly not in the child's best interest. *In re Trejo, supra* at 364-365.

Affirmed.

/s/ Roman S. Gribbs
/s/ Michael J. Kelly
/s/ Joel P. Hoekstra